

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Jose A. Cruz-Kerkado, *et al.*
Plaintiffs

v.

Commonwealth of Puerto Rico, *et al.*
Defendants

CIVIL ACTION

Case No 3:16-cv-2748
Constitutional Rights

**Opposition to Commonwealth's Motion to Strike Docket No. 30 (Dkt.32)
And Cross-Motion to Strike Docket No. 32**

To the Honorable Court:

COMES NOW, the Plaintiff by and through the undersigned counsel and respectfully allege, pray and request as follows:

One co-defendant in this case has filed a Motion to Strike (Dkt.32) in response to plaintiff's Opposition to PRSA and Commonwealth's Motions to Dismiss (Dkt. 30), which was timely filed in accordance with a Court Order which set a due date of January 4, 2017 to file a new Opposition.

Codefendant Commonwealth of Puerto Rico, the Puerto Rico Police Department and the Puerto Rico Department of Leisure and Sports, have engaged in what appears to be their attempt to silence the plaintiffs in this case. Plaintiffs which have had to overcome multiple obstacles to voice their concerns and seek from this Court what they deem to be just and fair, to enforce their rights.

In spite, of filing of a Motion for Leave to Amend the Complaint to withdraw several claims, at least two vital Causes of Action remain, which are at the heart of the controversy before this Court. There are multiple defendants, opposing forces and adversarial opinions with respect to plaintiff's claim of Infringement on the Second Amendment and Freedom to Associate. Both were vehemently opposed by codefendants thru corresponding dispositive motions, and plaintiffs therefore asserts that these controversies are not moot. In fact, plaintiff's Opposition (Dkt. 30) primarily focused on said arguments and addresses specifically codefendant's related arguments. Plaintiffs humbly asks the Court strikes codefendant's Motion to Strike (Dkt.32), and denies dispositive motions at this time.

WHEREFORE, for the reasons set forth herein, the plaintiff move the Court to deny codefendant's Motion to Strike (Dkt.32) and asks said Motion (Dkt.32) be stricken from the record.

In San Juan, Puerto Rico, this 12th. Day of January 2017.

Respectfully submitted,

/S/ Humberto Cobo-Estrella, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2017, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

/S/ Humberto Cobo-Estrella, Esq.

Attorney for the Plaintiff